

REMARKS/ARGUMENTS

Claims 53-68, 72, 73, 77, 78, 81 and 82 are active in this application. Claims 53-58, 62, 68, 72, 73, 77, 78, 81 and 82 are allowed.

Applicants wish to thank Examiner Fronda for discussing the issues in the Office Action with the undersigned on November 4, 2003. In addition, Applicants thank Examiner Fronda and SPE Achutamurthy for discussing this case with the undersigned on January 15, 2004.

During the discussion the undersigned pointed out that Claims 67 and 65 are not duplicates because Claim 65 is drawn to a polynucleotide whereas Claim 67 is drawn to vector. Accordingly, withdrawal of the objection under 37 CFR 1.75 is requested.

In addition, the phrase "wherein the polynucleotide encodes protein that inhibits lysine production in a bacterial cell" was discussed. In particular, the undersigned pointed to the description on pages 23-25 where the disruption of the polynucleotide, e.g., SEQ ID NO:1, resulted in an increase in lysine production which means that the intact gene inhibits lysine. The Examiner indicated an understanding of this description and indicated that the rejection would be withdrawn after filing this response. Accordingly, withdrawal of the rejection of Claims 59-61 is requested.

Finally, the rejection under 35 U.S.C. § 112, first paragraph was discussed. In particular, the undersigned noted that one can envision at least 30 consecutive nucleotides of SEQ ID NO:1 since the sequence is clearly described. This was also a point of the discussion held on January 15, 2004. During this discussion, SPE Achutamurthy indicated that he would seek the advice from the Patent Office's Biotech patent specialist, Brian Stanton and inform the undersigned of their decision. On January 27, 2004, SPE Achutamurthy contacted the undersigned by telephone and indicated that Claim 64 is adequately described and thus

Application No. 09/903,770

Reply to Office Action of October 2, 2003

should be allowed. In view of this decision, Claims 65 and 66, which depend from Claim 64 should also be allowed. Accordingly, withdrawal of this ground of rejection is requested.

Applicants submit that the present application is now ready for allowance. Early notification of such allowance is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Jean-Paul Lavalleye, Ph.D.
Attorney of Record
Registration No. 31,451

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220

Daniel J. Pereira, Ph.D.
Registration No. 45,518